

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

ANTARCTICA CASE
(UNITED KINGDOM *v.* CHILE)
ORDER OF MARCH 16th, 1956

1956

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE L'ANTARCTIQUE
(ROYAUME-UNI *c.* CHILI)
ORDONNANCE DU 16 MARS 1956

This Order should be cited as follows :

*“Antarctica case (United Kingdom v. Chile),
Order of March 16th, 1956 : I.C.J. Reports 1956, p. 15.”*

La présente ordonnance doit être citée comme suit :

*« Affaire de l'Antarctique (Royaume-Uni c. Chili),
Ordonnance du 16 mars 1956 : C.I. J. Recueil 1956, p. 15. »*

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INTERNATIONAL COURT OF JUSTICE

1956
 March 16th
 General List :
 No. 27

YEAR 1956

March 16th, 1956

ANTARCTICA CASE

(UNITED KINGDOM *v.* CHILE)

ORDER OF MARCH 16th, 1956

ORDER

Present : President HACKWORTH ; Vice-President BADAWI ; Judges
 BASDEVANT, WINIARSKI, KLAESTAD, READ, HSU MO,
 ARMAND-UGON, KOJEVNIKOV, Sir Muhammad ZAFRULLA
 KHAN, Sir Hersch LAUTERPACHT, MORENO QUINTANA,
 CÓRDOVA ; *Registrar* LÓPEZ OLIVÁN.

The International Court of Justice,

composed as above,

after deliberation,

having regard to Articles 36 and 48 of the Statute of the Court,

Makes the following Order :

Whereas, on May 4th, 1955, there was filed in the Registry an Application by the Government of the United Kingdom of Great Britain and Northern Ireland instituting proceedings before the Court against the Republic of Chile concerning a dispute relating to the sovereignty over certain islands and lands in the Antarctic which lie between longitudes 53° and 80° West and to the southwards of latitude 58° South :

Whereas the Application was duly communicated by the Registry on May 6th, 1955, to the Minister for Foreign Affairs of the Republic of Chile ;

Whereas the Application was also duly communicated by the Registry to the Members of the United Nations through the Secretary-General of the United Nations, and to the other States entitled to appear before the Court ;

Whereas the Application contains the following :

“40. The United Kingdom Government ... declares that it hereby submits to the jurisdiction of the Court for the purposes of the case referred to the Court in the present Application... The Chilean Government has not, so far as the United Kingdom Government is aware, yet filed any declaration accepting the Court's jurisdiction either generally under Article 36 (2) of the Statute or specially in the present case. The Chilean Government, which has frequently expressed its adherence to the principle of judicial settlement of international disputes, is, however, legally qualified to submit to the jurisdiction of the Court in this case. Consequently, upon notification of the present Application to the Republic of Chile by the Registrar in accordance with the Rules of Court, the Chilean Government, under the settled jurisprudence of the Court, can take the necessary steps to that end, and thereby cause the Court's jurisdiction in the case to be constituted in respect of Parties.

41. The United Kingdom Government founds the jurisdiction of the Court on the foregoing considerations and on Article 36 (1) of the Court's Statute ; ...”

Whereas, in a letter dated July 15th, 1955, addressed to the Registrar, and handed to him on August 2nd, 1955, the Chilean Minister to the Netherlands, on the instructions of his Government, recalled that on various occasions in the past his Government had “indicated to the Government of the United Kingdom that recourse to the International Court of Justice cannot be applicable in the case of the Chilean Antarctic”, and after setting forth the text of a note addressed by the Ministry of Foreign Affairs of the Republic of Chile to the British Embassy in Santiago on May 4th, 1955, in which recourse to the Court for the settlement of the controversy was declined, the Minister concluded :

“My Government consequently will confine itself on this occasion to stating that the application of the Government of the United Kingdom is unfounded and that it is not open to the International Court of Justice to exercise jurisdiction in this case.”

Whereas a copy of the above-mentioned letter was communicated to the Agent for the Government of the United Kingdom on August 3rd, 1955 ;

Whereas, in a letter dated August 31st, 1955, addressed to the Registrar, the Agent for the Government of the United Kingdom

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stated that it regarded the letter of July 15th, 1955, from the Chilean Minister to the Netherlands as amounting to a rejection of the jurisdiction of the International Court of Justice for the purposes of the present case ;

Whereas, in these circumstances, the Court finds that it has not before it any acceptance by the Government of Chile of the jurisdiction of the Court to deal with the dispute which is the subject of the Application submitted to it by the United Kingdom Government and that therefore it can take no further steps upon this Application ;

THE COURT

orders that the case shall be removed from the list.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this sixteenth day of March, one thousand nine hundred and fifty-six, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the United Kingdom of Great Britain and Northern Ireland and to the Government of the Republic of Chile, respectively.

(Signed) GREEN H. HACKWORTH,
President.

(Signed) J. LÓPEZ OLIVÁN,
Registrar.